

Maryland State Board of Law Examiners
Pre-Exam Information Packet for the February 2014 Maryland General Bar Exam

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INSTRUCTIONS CONCERNING BOARD'S ESSAY TEST FOR FEBRUARY 2014

The Board's Essay Test will be administered on the **first day** of the two-day examination (**Tuesday, February 25, 2014**). The Essay Test will consist of one MPT Question and ten Essay Questions. The MPT Question and Questions 1-3 will be administered in the morning session and Questions 4-10 will be administered in the afternoon session. The suggested time allotment is 90 minutes for the MPT Question and 25 minutes for each Essay Question. The duration of the morning test session will be three hours, and the afternoon test session will also be three hours. The total testing time for the written test is 6 hours.

The Board's Essay Questions will not be labeled by subject matter. A single question may involve two or more subject matters from the list in Board Rule 4. The Board intends that each Essay Question carry equal weight. The MPT Question carries one and a half times the weight of a single essay question. No point values will be assigned on the printed test questions. Questions will be graded on a relative range of one (1) to six (6) points, and a score of zero (0) will be assigned only if an answer booklet is blank or the answer is otherwise totally unresponsive to the question. The maximum possible raw score on the Written Test will be 69 points.

You may use a laptop computer provided you were accepted into the laptop program, registered your laptop, and paid the associated fee; otherwise, you must hand write the exam. Further instructions for laptop use are included beginning on page 8 of this document.

All materials for the MPT Question and three morning Essay Questions will be distributed at the beginning of the morning test session. You may use the allotted 3 hours testing time at your discretion. The MPT Question booklet and your MPT and Essay answer booklets (if not using a laptop) will be collected at the end of the morning test session **You may keep the morning**

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Essay Question materials, and any statutory extracts that are distributed for the morning session, but not the MPT Question booklet.

All materials for the seven afternoon Essay Questions will be distributed at the beginning of the afternoon test session. You may use the allotted 3 hours testing time at your discretion. Your Essay answer booklets will be collected at the end of the afternoon test session (if not using a laptop). **You may keep the afternoon Essay Question materials and any statutory extracts that are distributed for the afternoon session.**

If you hand write the exam, the exam must be written in dark blue, blue-black, or black ink so the writing can be easily read. You must furnish your own pen. The Board will not grade an illegible answer. You should print your answers if your handwriting is difficult to read. Number the subparts of your answers to correspond to the subpart numbers (if applicable) on the Question Sheets, but do not copy the Questions. Use one side of the page only unless you fill the book.

For hand writers: there will be a total of eleven answer booklets — one for the MPT and one for each of the ten Essay Questions. No extra answer books will be issued, and there will be no separate scratch paper. You may use the Question Sheets and statutory extracts for scratch work. The MPT Answer Book will have “MPT” and the assigned seat number printed on the cover. The Essay answer booklets will have the Question number and the assigned seat number printed on the cover. The covers of the Answer Books will be color-coded to further identify the question to be answered in each book.

For laptop users: There will be 11 numbered and color coded answer fields in the SofTest™ program (4 in the morning answer file and 7 in the afternoon answer file). Laptop users will receive a blank “Laptop User Scratch Work” booklet for handwritten scratch work. **NO CREDIT WILL BE GIVEN FOR ANSWERS WRITTEN IN THE LAPTOP USER SCRATCH WORK BOOK.** All exam answers must be typed into the proper SofTest™ answer field (or hand written in the proper color coded Answer Book if technical issues require you to hand write your answers).

IMPORTANCE OF WRITING/TYPING ANSWERS IN CORRECT BOOK/FIELD: The answer to the MPT and each Essay Test Question must be written/typed in the book/field designated for the answer. The State Board of Law Examiners may not grade an answer that is written/typed in the wrong book/field. Anyone who inadvertently writes/types an answer in the wrong book/field must correct the problem with the Board's Staff at the examination site immediately after time expires for that session. No corrections will be permitted subsequently. All examination books must be turned in, even if blank. Do not tear any pages from any of your examination books.

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INSTRUCTIONS CONCERNING THE MULTISTATE BAR EXAMINATION

The **February 2014 Multistate Bar Examination** will be administered on **Wednesday, February 26, 2014**. This examination is a six-hour multiple-choice test. Three hours are allotted to the morning session and three hours are allotted to the afternoon session.

The National Conference of Bar Examiners (NCBE) publishes the MBE. The 2014 MBE Information Booklet may be downloaded from the NCBE website: www.ncbex.org/multistate-tests/mbe. There is a link to the NCBE web site on the Board's web page: www.mdcourts.gov/ble/index.html under "General Bar Exam Details."

The MBE Information booklet contains sample questions, forms for score transfers and sample tests, and topic outlines for the six subjects tested: contracts, torts, constitutional law, criminal law, evidence, and real property. You also should consider purchasing 1 or more MBE Online Practice Exam (OPE) sample tests with explanations of answers and feedback on test performance. The MBE OPE is offered by the NCBE in its on-line store <http://store.ncbex.org/> for the purchase price of \$50.

Maryland requires that every candidate's MBE score for the February Maryland Bar Examination be attained on the MBE test administered in February in Maryland or in another jurisdiction which administers the MBE. **Maryland will not recognize an MBE score from any prior administration of the MBE.** If you plan to transfer your Maryland MBE score to another jurisdiction, you ***must disclose your actual social security number*** to the National Conference of Bar examiners on the MBE answer sheet.

Between 8:30 a.m. and 9:00 a.m., prior to the "time" beginning to run at 9:00 a.m., you will receive your morning session question book with the answer sheet inside. The question book will be sealed. Before breaking the seal, you will be told to read the instructions on the back of the question book.

You will then be told to break the seal, remove the answer sheet, and CLOSE the cover of the question book. You will then be told to write the code number for this State in the appropriate blocks on the answer sheet and blacken out the corresponding numbered circles below. **The Maryland Code Number is 21.** You will then be told to write your Applicant Number in the appropriate blocks and blacken out the corresponding numbered circles below. Your applicant number is your Seat Number and is to be expressed in five digits. This is done by preceding your seat number with the necessary number of leading zeroes (0's). In every instance there will be at least one "0" in front of your seat number. You will then be told to enter the month, day, and year of your birth. You also will be asked to print your name on side 2 of your answer sheet and blacken the corresponding lettered circles.

In addition to the identification procedures noted above, you will be asked to compare the test form number and the book serial number with the corresponding numbers on the answer sheet to make certain they agree. You will also be asked to write your seat number (which also is your applicant number) in the appropriate place on the cover of the question book.

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If, at any point, you have a question concerning what you are to do, you should request the assistance of the proctor assigned to your seat number area. It is suggested that you observe your proctor at the time the test materials are distributed to you so you will be able to identify which proctor you should approach for any assistance you might need.

Computer scanners are used in scoring the answer sheet and assigning that score to the applicant's examination number in the jurisdiction indicated on the answer sheet by the candidate. It is absolutely necessary that this information be accurate and legible on the answer sheet.

You should try to work quickly and accurately. Do not spend too much time on any one question, but go to other questions and return to difficult questions later if you have time.

You should mark only one response to each question. Be sure your marks completely blacken the circle on the answer sheet, but do not mark outside the circle. If you wish to change your answers, erase the incorrect answer completely before making a new choice.

You **may** write in your test booklet if you wish *in pencil*. You are prohibited from using highlighters or pens to mark in your test booklet. **You may only use pencil to mark in your answer sheet.** Be sure to mark all your answers on your answer sheet. No extra time will be given for anyone who fails to comply with this direction. **NO EXCEPTIONS.**

If your test booklet or answer sheet is defective, raise your hand and your proctor will give you another one.

The scores are based on the number of questions answered correctly. Since no deductions are made for wrong answers, it is advisable to answer every question, but do not delay unduly on any question which is difficult for you.

All the instructions described above will be repeated on the morning of the examination. However, the information included here should be helpful to answer some questions you may have.

Furthermore, the specific instructions for filling in the identification information on the answer sheet will be repeated at the beginning of the afternoon session. There is no need to memorize the instructions given prior to the morning session.

The Multistate Bar Examination must be answered with a soft lead (#2) pencil. **You should bring your own supply of sharpened #2 pencils.** By using pencil it will be possible to erase and change your answer if you do it with care.

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STATE BOARD OF LAW EXAMINERS' PASSING STANDARD
AND CURRENT POLICY ON REGRADING:

Score Calculation and Passing Standard: The requirements for passing the Maryland Bar Examination are set out in Board Rule 5. The Rules of the Board immediately follow the Court's Rules Governing Admission to the Bar of Maryland in printed Rule books and on the Board's website (<http://www.courts.state.md.us/ble/pdfs/baradmissionrules.pdf>).

1. An applicant's Total Scale Score for the Maryland Bar Examination will be computed using the following formula, which weights the Written Test Score twice as much as the MBE Score:

$$\text{Total Scale Score} = (\text{Written Test Scale Score} \times 2) + \text{MBE Scale Score}$$

2. To pass the Examination, an applicant must achieve a Total Scale Score of **406** or higher.
3. An applicant's Written Test Raw Score will be converted to the MBE Scale using the following formula:

$$\text{Written Test Scale Score} = [(A-B)/C][D] + E, \text{ where}$$

A = the sum of the applicant's raw scores on the 11 Written Test Questions

B = the mean of the A values across all applicants

C = the standard deviation of the A values across all applicants

D = the standard deviation of the Maryland applicants' MBE scale scores

E = the mean of the Maryland applicants' MBE scale scores

Re-grading: In addition to the above passing formulae provided for by Board Rule 5, the Board has adopted a review and re-grading policy which it applies **prior** to the mailing of examination results. This review and re-grading policy is subject to change from time to time and it need not be published since it is a matter of policy only.

The current re-grading policy is as follows: Prior to mailing examination results, the Board will re-grade the written test of each applicant who does not attain a passing score during the initial grading, but whose total scaled score is within 10 points of passing under the passing score criteria described above. Ordinarily, this means that a **test will be re-graded if the initial total scale score is in the range from 396 to 405**. A Written Test score may be increased or may remain unchanged, but will not be lowered, during re-grading. The Written Test Score assigned during re-grading will be the FINAL SCORE and is NOT SUBJECT TO APPEAL.

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PLEASE NOTE CAREFULLY: Once the initial grading and re-grading are concluded and the examination results are released, there is no further re-grade procedure and no appeal is permitted.

SUGGESTIONS FOR SUCCESSFULLY ANSWERING ESSAY QUESTIONS

The policy of the Court of Appeals of Maryland governs the preparation, administration, and grading of the examination. The Court states:

"It is the policy of the Court that no quota of successful examinees be set, but that each examinee be judged for fitness to be a member of the Bar as demonstrated by the examination answers. To this end, the examination shall be designed to test the examinee's knowledge of legal principles in the subjects on which examined and the examinee's ability to recognize, analyze, and intelligibly discuss legal problems and to apply that knowledge in reasoning their solution. The examination will not be designed primarily to test information, memory, or experience."

Presentations at the University of Maryland and the University of Baltimore: During the month of April of each year, the Board of Law Examiners meets with students at the two (2) law schools located in Maryland to discuss the structure of the Bar examination, and to explain the characteristics of a successful answer to a Bar examination question and how to prepare to take the examination. Contact the Board's office to determine the next scheduled presentation.

The Board lists below some general suggestions for your guidance. These suggestions represent an effort on our part to state what is generally of importance in analyzing the facts of a question and preparing your answers.

ESSAY TEST QUESTIONS

1. The Examination is not a test of how much law you know. It is a test of your ability to recognize, analyze and intelligibly discuss legal problems, and to apply your knowledge of legal principles to their solutions. Your answers should demonstrate your knowledge and understanding of how to apply the principles and theories of law to the facts given, and to reason logically and in a lawyer-like manner to a sound conclusion.
2. Some questions may involve more than one subject area. For instance, the facts presented may present ethical issues that you must be able to recognize and resolve consistent with the Rules of Professional Conduct and the legitimate interests of the client.
3. **Read each question carefully** and in its entirety; perform the factual analysis necessary to give you an understanding of the relationship of the parties, the resulting rights and duties and the significance of the facts set out. Many candidates are unsuccessful because of faulty or insufficient factual analyses. Decide upon an orderly and logical organization of your answer. Then begin to write your concise and complete answer.

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4. **Follow instructions.** If you represent the Plaintiff, argue the facts and the law, to the extent possible, consistent with the legitimate objectives of the Plaintiff. If you represent the Defendant, advocate for him, to the extent possible, anticipating the thrust of the plaintiff's arguments. If you are required to prepare a memo for a judge, prepare the memo in accordance with the instructions and discuss, if necessary, the merits of both sides. Do not define terms unless requested to do so.
5. Statutory Extracts are provided to help you. Use them. SBLE encourages citation to the Extract when given. Proper citation form is not required.
6. Each question contains the facts sufficient to raise all pertinent issues. Assume sparingly. Do not assume away facts, and do not assume facts not given. Do draw inferences from facts which may be ambiguous.
7. As a general proposition there is no preferred formula for the answering of questions; we suggest that you use the logic and analysis appropriate to the facts given and for the question posed.
8. While the Board does not specifically deduct credit for improper grammar, spelling, punctuation and capitalization, applicants are encouraged to use proper, clear, and effective English. **HANDWRITERS – PLEASE WRITE LEGIBLY.** We cannot grade what we cannot read.
9. We believe that the properly prepared applicant, with a proper understanding of the Examination and a lawyer-like approach to the questions will demonstrate his or her competence with not too much difficulty.

MULTISTATE PERFORMANCE TEST (MPT)

1. Familiarize yourself with the purpose, format, and content of the MPT by using the resources available on the website of the National Conference of Bar Examiners – www.ncbex.org. The MPT Information Book, MPT FAQs, MPT Study Guides (including complete tests and Point Sheets), and MPT Summaries all are available on the website.
2. The best preparation is to practice by answering actual MPT questions and using the MPT Point Sheets to assess your performance.
3. You should allocate ample time (about 45 minutes, or about half of the allotted 90 minute test time) to read and digest the MPT materials and organize your answer before you begin writing.

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LAPTOP USE ON THE FEBRUARY 2014 MARYLAND BAR EXAMINATION

Advanced Registration of Laptops

You will receive an e-mail on or before February 3, 2014, which contains instructions to register your laptop at ExamSoft's website during the period from Monday, February 3, 2014 to Monday February 17, 2014.

If you do not receive the e-mail by the end of the day on February 3, 2014, send an email immediately to nicole.adams@mdcourts.gov to request a copy.

Examination Day Procedures

Permitted Items: Your laptop, the compatible power cord and a power strip/extension cord 6' or longer. Be sure that your laptop battery is fully charged in case there is a power interruption. You may bring a compatible mouse and full size or ergonomic keyboard, either or both of which may be wireless.

You may bring with you the carrying case that you normally use to transport your laptop. Make sure that you have removed any written material and items (such as floppy diskettes or other media) as these items are not permitted in the examination room. **All bags and carrying cases must be placed against the outside wall of the examination room. Bags and carrying cases are not permitted on or under testing tables.**

Prohibited Items: Do not bring a laptop other than the one on which you successfully registered SofTest™. **Backup laptops are prohibited.** External hard drives are prohibited. You may not bring flash drives, CDs, DVDs or any other removable media. Unauthorized media will be confiscated and may not be returned.

Start Time: You must arrive in the designated examination room **not later than 8:15 a.m. on Tuesday, February 25, 2014** to set up your laptop, boot up your system, and initialize the SofTest™ program. The password to open the morning session answer file will be provided on the morning of the exam. **You should have your laptop ready by 8:45 a.m.** Examination announcements will begin promptly at 8:45 a.m. The examination time will commence to run at the conclusion of the examination announcements (approximately 9 a.m.). Anyone unable to successfully launch the SofTest software by the commencement of the examination must hand write his or her answers. No one will be given extra instructions or extra time if he or she arrives late or encounters problems in accessing SofTest. No exceptions for any reason.

Execution of Waiver of Liability: At the examination site, during the preliminary announcements for laptop users, you will be required to execute a waiver confirming that you have complied with the conditions for using a laptop, acknowledging that no extra time will be given on account of technical failures, acknowledging that your only option may be to handwrite the examination if the software or hardware on your laptop does not work, and releasing the

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State Board of Law Examiners and ExamSoft from any liability in the event you experience a malfunction of the software or the hardware.

Examination Steps - You will use the morning session (AM) answer file for the **Multistate Performance Test (MPT) Question and Essay Questions 1 through 3**. You will use the afternoon session (PM) answer file for **Essay Questions 4 through 10**. Examination questions will be distributed to you in the same hardcopy format received by applicants who elect to hand write the MPT and Essays.

Be careful to follow the instructions provided at the examination. Use great care while editing to ensure you do not inadvertently delete part of your answer.

Each Question will be answered in a separate answer field within SofTest™. The header for each field includes the question number to be answered therein. The header fields in SofTest are color-coded to match the hand writer Answer Books and the color code is listed next to the Question Number on the hard copy Exam Questions.

Prior to the start work announcement, ExamSoft's onsite engineers may assist you at your exam table. Once the examination time begins to run, you may seek assistance from the ExamSoft engineers by taking your laptop to the ExamSoft engineers who will be distributed around the testing room. No technical support will be provided at the exam table after the examination begins. If you are unable to quickly resolve any problem that occurs after the examination starts, you should ask your proctor for a set of Answer Books and hand write the remainder of your answers. No extra time will be given on account of technical failures during the exam. No exceptions.

Post Examination Steps - You are strongly encouraged to upload your answers to **ExamSoft** via wireless or wired Internet at the exam site. If Internet access becomes unavailable, or if you do not wish to wait to upload your answers at your examination site or if you are unable to upload your answers wirelessly, you must find your own Internet connection after you leave the examination site and upload your answers **by 11:59 p.m. Eastern Standard Time on Tuesday, February 25, 2014**. You should receive a confirmation email automatically from ExamSoft when you successfully complete the upload. **If you do not receive the confirmation email automatically**, follow the instructions for manual confirmation at the ExamSoft website (www.examsoft.com), Bar Applicants FAQs, "How do I download exam files and upload answer files?" You may also contact ExamSoft for technical assistance to help you upload your exam files. The phone number for ExamSoft Technical Support is (866) 429-8889.

The State Board of Law Examiners will print your answers at its office using a standard format for line spacing and font. Your printed answers may look different from what you saw on your laptop screen but the content and organization of your answers will not be altered.

If there is a problem printing your answers, the State Board of Law Examiners may require you to bring your laptop to the Board's office so that the encrypted copy of your answers may be retrieved from your hard drive.

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Rule 7. BAR EXAMINATION

(a) *Scheduling* - The Board shall administer a written examination twice annually, once in February and once in July. The examination shall be held on two successive days. The total duration of the examination shall be not more than 12 hours nor less than nine hours. The Board shall publish notice of the dates, times, and place or places of the examination no later than the preceding December 1 for the February examination and no later than the preceding May 1 for the July examination.

(b) *Purpose of Examination*- It is the policy of the Court that no quota of successful examinees be set, but that each examinee be judged for fitness to be a member of the Bar as demonstrated by the examination answers. To this end, the examination shall be designed to test the examinee's knowledge of legal principles in the subjects on which examined and the examinee's ability to recognize, analyze, and intelligibly discuss legal problems and to apply that knowledge in reasoning their solution. The examination will not be designed primarily to test information, memory, or experience.

(c) *Format and Scope of Examination*- The Board shall prepare and grade the examination and may adopt the MBE and the MPT as part of it. The examination shall include an essay test. The Board shall define by rule the subject matter of the essay test, but the essay test shall include at least one question dealing in whole or part with professional conduct.

(d) *Grading*

(1) The Board shall grade the examination and shall by rule establish passing grades for the examination. The Board may provide by rule that an examinee may satisfy the MBE part of the Maryland examination requirement by applying a grade on an MBE taken in another jurisdiction at the same examination.

(2) At any time before it notifies examinees of the results, the Board, in its discretion and in the interest of fairness, may lower, but not raise, the passing grades it has established for any particular examination.

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BOARD RULE 4

Examination-Subject Matter

Pursuant to section c of Rule 7 (Bar Examination), Rules Governing Admission to the Bar of Maryland, the subject matter of the Maryland Bar Examination is defined as follows:

AGENCY

The law of agency will be included on the examination only to the extent provided in the definitions of Business Associations, Contracts and Torts.

BUSINESS ASSOCIATIONS

The legal principles pertaining to forming, organizing, operating and dissolving business entities in Maryland and related principles of agency. The business entities include: (a) corporations, (b) close corporations, (c) limited liability companies, (d) professional service corporations, (e) general, limited and limited liability partnerships, (f) joint ventures, (g) unincorporated associations, and (h) sole proprietorships. The subject also includes: (a) the rights, powers, duties and liabilities of owners, partners, members, shareholders, managers, directors, officers, (b) the issuance of shares or other ownership interests in business entities, (c) the distribution of dividends and assets, and (d) the allocation of profits and losses from business entities. (Revised: February 25, 1998)

COMMERCIAL TRANSACTIONS

The law governing commercial transactions including negotiable instruments, sales and sales financing, secured transactions, rights and remedies of buyers and sellers with emphasis on the Uniform Commercial Code as the prevailing commercial legislation.

CONSTITUTIONAL LAW

The interpretation of the Constitution of the United States and its amendments, division of powers between the states and national government, powers of the President, the Congress, and the Supreme Court, limitations on the powers of the state and national government.

CONTRACTS

The consideration of agreements enforceable at law. The subject includes: (a) formation of contracts--offer and acceptance, mistake, fraud, misrepresentation or duress, contractual capacity, effect of illegality, consideration; informal contracts; (b) third-party beneficiary contracts; (c) assignment of contracts; (d) statute of frauds; (e) parol evidence rule, interpretation of contracts; (f) performance-conditions, failure of consideration, aleatory promises, rights of defaulting plaintiff, substantial performance, specific performance, (g) breach of contract and remedies therefor, including measure of damages; (h) impossibility of performance, frustration of purpose; and (i) discharge of contracts. This subject may also include law dealing with an agent's ability to bind a principal to a contract, and the agent's personal liability on a contract made for a principal.

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CRIMINAL LAW AND PROCEDURE

The law of crimes against the person; crimes against public peace and morals, property crimes; crimes involving the breach of public trust or civic duty, obstruction of justice; criminal responsibility, causation, justification and other defenses; constitutional limitations and protections.

EVIDENCE

The law governing the proof of issues of fact in civil and criminal trials including functions of the court and jury; competence of witnesses; examination, cross-examination and impeachment of witnesses; presumptions, burden of producing evidence and burden of persuasion; privileges against disclosure of information; relevancy, demonstrative, experimental and scientific evidence; opinion evidence; admissibility of writings, parol evidence rule; hearsay rule; judicial notice. The Board's Test will cover only the Maryland substantive Law of Evidence, including the *Maryland Rules of Evidence*, common law, and statute.

FAMILY LAW

The principles of Maryland law regarding creation of (or the existence of) the marriage relationship; termination of the marriage; alimony and support of the marriage partner; support and custody of children; marital property issues; and prenuptial agreements. Includes both statutory and common law principles of Maryland law and procedure except for matters of adoption, paternity, and juvenile law. (Adopted April 8, 1992, effective beginning with the July 1993 bar examination.)

MARYLAND CIVIL PROCEDURE

The various procedural steps and matters involved in an action at law or in equity, from commencement of the action to final disposition on appeal. The subject includes; (a) jurisdiction of courts; (b) venue; (c) parties and process; (d) forms of pleadings; (e) motions and other means of raising procedural objections and defenses, including affirmative defenses and counterclaims; (f) discovery and other pre-trial procedures; (g) trial practice; (h) entry, effect and enforcement of judgments; (i) methods of taking appeal or otherwise securing appellate review; and (j) appellate practice and procedure. The subject embraces civil procedure and practice in the State courts. Federal Rules of practice and procedure are not covered on the examination.

PROFESSIONAL CONDUCT

The Maryland Lawyers' Rules of Professional Conduct as adopted by Maryland Rule 16-812. These are contained in *Maryland Rules*, Appendix. (Amended April 15, 2005.)

PROPERTY

The fundamentals of real property law including concepts of possession; concurrent and consecutive future estates in land (and their counterparts in testamentary and inter vivos trusts); leaseholds and landlord-tenant relationships; fixtures and the distinction between real and personal property; covenants enforceable in equity; easements, profits and license; rights of user and exploitation in land (including rights to lateral and subjacent support); contracts of sale of real estate; the statute of limitations on real actions (adverse possession) and prescription;

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conveyancing priorities and recording (including marketable title); remedies. Problems of rules against perpetuities will appear only on the MBE test (Board Rule 4).

TORTS

The law of civil wrongs. The subject includes, but is not limited to: (a) negligent torts including causation, standard of care, primary negligence, comparative and contributory negligence, assumption of risk, limitations on liability, contribution and indemnity; impact of insurance; (b) intentional torts; (c) strict liability, products liability; (d) nuisance; (e) invasion of privacy; (f) defamation; (g) vicarious liability; and (h) defenses, immunity and privilege, and damages in connection with any of these areas.

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BOARD RULE 5

Examination Format, Scoring, and Passing Standard

a. ***Authority***

Pursuant to section (c) of Rule 7, Bar Examination, of the *Rules Governing Admission to the Bar of Maryland adopted by the Court of Appeals of Maryland*, the State Board of Law Examiners adopts the Multistate Bar Examination and the Multistate Performance Test as part of the Maryland Bar Examination. Pursuant to section (d) of the Court's Bar Admission Rule 7, the Board establishes the policies and standards set forth in the following sections of this Board Rule to govern the format, scoring, and passing standard for the Maryland Bar Examination.

b. ***Multistate Bar Examination (MBE)***

- (i) One part of the Maryland Bar Examination is the Multistate Bar Examination (MBE). The MBE is published and scored by the National Conference of Bar Examiners (NCBE) and its agents.
- (i) The MBE is a multiple choice test. An applicant's MBE raw score is the number of questions answered correctly. MBE raw scores are scaled to adjust for possible differences in average question difficulty across administrations of the exam. As a result of scaling, a given MBE scale score indicates about the same level of performance regardless of the particular administration of the examination on which it is earned.

c. ***Written Test: Board's Essay Test and the Multistate Performance Test (MPT)***

- (i) The other part of the Maryland Bar Examination is the Written Test, which comprises the Board's Essay Test and one MPT question. The Board will prepare and grade the Board's Essay test. The MPT is published by the NCBE and graded by the Board.
- (ii) The Board's Essay test will consist entirely of questions requiring essay answers. Questions will not be labeled by subject matter. Single questions may involve two or more subject matters from the list in Board Rule 4.
- (iii) The format and specifications for the MPT are determined by the NCBE.
- (iv) The raw score for the Written Test will be calculated as follows:

**Written Test raw score = Sum of Board's Essay test raw scores
+ (MPT raw score x 1.5) (Effective February 28, 2012)**

- (v) The Written Test raw score will be converted to the same scale of measurement as that used on the MBE to adjust for possible differences in average question difficulty across administrations of the examination.

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d. *Combining MBE and Written Test Scores to Calculate Total Examination Score*

(i) For purposes of calculating an applicant's total scale score, both the MBE and Written Test scale scores will be rounded to the nearest whole number. The Written Test shall be weighted twice as much as the MBE in the computation of the total scale score.

(ii) The following formula will be used to compute an applicant's total scale score on the Maryland Bar Examination:

$$\text{Total Scale Score} = (\text{Written Test Scale Score} \times 2) + \text{MBE Scale Score}$$

e. *Passing Standard*

In order to pass the Maryland Bar Examination, an applicant must achieve a total scale score, as defined in section d(ii), of 406 or higher.

f. *No Carryover of MBE Score or Written Test Score from Prior Examinations*

An applicant must achieve both the MBE and Written Test scale scores on the same administration of the Bar Examination for purposes of the Board's calculation of the total scale score and determination of the applicant's pass/fail status.

g. *Recognition of MBE Score Achieved Concurrently in Another Jurisdiction*

The Board will accept an MBE score which an applicant achieves in another jurisdiction in an administration of the MBE which is concurrent with Maryland's administration of the Written Test to the applicant. The concurrent MBE score will be treated exactly as though it were achieved in Maryland for purposes of the Board's calculation of the total scale score and determination of the applicant's pass/fail status.

h. *Adjustment of Passing Standard*

For any particular examination, the Board may, in the interest of justice, lower (but not raise) the passing score standard at any time before notices of the examination results are mailed. (Amended August 12, 1999; amended November 11, 2005)

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BOARD'S ESSAY TEST SCORING GUIDE

The Maryland Board's Essay Test raw score for each question will be assigned based on a relative range of 1 to 6. The score assigned to an applicant for a particular question is intended to rank the performance of that applicant on that question relative to the performance of all other applicants. The characteristics of an answer which are evaluated in ranking the relative performances of applicants follow:

Score	Description of Demonstrated Performance
6	While not necessarily perfect, an answer receiving a score of 6 demonstrates a full understanding of the relevant and material facts, a complete recognition of the issues presented, and an excellent grasp of the applicable principles of law. The reasoning is thorough and amply supports all conclusions. An answer receiving a score of 6 is clear, concise, complete, and responsive to the question.
5	An answer receiving a score of 5 demonstrates a fairly complete understanding of the relevant and material facts, recognition of most of the issues, and a good grasp of the applicable principles of law. The reasoning is basically sound and supports most of the conclusions necessary to respond to the question.
4	An answer receiving a score of 4 demonstrates an adequate understanding of the relevant and material facts and recognition of the most important issues and principles of law. The reasoning is adequate and supports the main conclusions necessary to respond to the question.
3	An answer receiving a score of 3 demonstrates an incomplete understanding of the relevant and material facts and misses, to some degree, significant issues and key principles of the applicable law. The reasoning is partially incomplete or incorrect and does not fully support the main conclusions necessary to respond to the question.
2	An answer receiving a score of 2 demonstrates little understanding of the relevant and material facts or law. The reasoning is seriously flawed and fails to support the conclusions. The conclusions are not adequately responsive to the question.
1	An answer receiving a score of 1 demonstrates fundamental deficiencies in understanding of both the relevant and material facts and law. The answer is largely unsupported by reasoning, any conclusions drawn are unsupported and/or incorrect, and the answer is not responsive to the question.
0	An answer will be assigned a zero only if the answer book is blank or the answer is totally unresponsive to the question. For example, copying the question into the answer book is unresponsive and will result in an assigned score of zero.

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GRADING CRITERIA FOR THE BOARD'S ESSAY TEST

Bar Admission Rule 7(b) sets out the purpose of the Bar Examination and states in pertinent part: "...the examination shall be designed to test the examinee's knowledge of legal principles in the subjects on which examined and the examinee's ability to recognize, analyze, and intelligibly discuss legal problems and to apply that knowledge in reasoning their solution. The examination will not be designed primarily to test information, memory, or experience."

1. Grading Anonymity. All Essay Test grading will be accomplished on an anonymous basis, using only randomly assigned seat numbers as identifiers, until all pass/fail determinations are completed.

2. Factual Analysis, Application of Legal Principles, and Reasoning to a Conclusion. Assignment of a raw score to an answer will be evaluated on the basis of how well the examinee:

- Demonstrates an understanding of the significance of relevant and material facts
- Applies legal principles to the relevant and material facts
- Articulates appropriate reasoning for reaching conclusions which respond to the question

It is important for an answer to state a conclusion responsive to the question posed. The facts in some questions may permit examinees to validly argue and reach different conclusions. Therefore, in general, the answers to questions will not be evaluated primarily on the positions taken in the conclusions. Rather, answers will be evaluated primarily on the factual analysis, the application of appropriate legal principles, and the reasoning supporting conclusions.

3. Holistic Assessment. The raw score for an answer will be based on an assessment of the quality of the answer as a whole, considering the elements described above in paragraph 2.

4. Organization and composition. The raw score for an answer will not be diminished by the examinee's failure to use proper grammar and spelling. On the other hand, an answer which is well organized, concise, and well written shall be accorded a higher score than an answer which is comparable in terms of factual and legal analysis, but which is inferior in terms of its organization and composition.

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THE BALTIMORE CONVENTION CENTER
FEBRUARY 2014 MARYLAND GENERAL BAR EXAMINATION

Bar applicants are responsible for making all personal arrangements for transportation, lodging, and lunch for the bar examination. The following information is offered to assist applicants in making suitable arrangements.

Driving Directions

From Northern Virginia/the Maryland suburbs of Washington DC:

Take I-95 North to exit # 53 (395 North, Downtown). Follow 395 towards the Inner Harbor and make a right at the third light, Pratt Street. The Convention Center is on your right.

From Pennsylvania/the Northern Maryland suburbs:

Take I-83 South to 695 West. Take the I-83 South exit and follow I-83 South and make a right onto Lombard Street. Take Lombard Street to Hopkins Place (which turns into Sharp Street). Make a left onto Pratt Street. The Convention Center is on the right.

Public Transit

Following is information regarding public transportation for The Baltimore Convention Center, One West Pratt Street, Baltimore, MD.

(1) The Washington Metropolitan Area Transit Authority provides bus and subway transportation in the District of Columbia and contiguous areas of Maryland and Virginia. Route information and timetables may be requested by calling 202-637-7000.

(2) The Mass Transit Administration of the Maryland Department of Transportation provides bus, light rail, and commuter train rail service. For information about these services, call 410-539-5000 in Baltimore.

(3) The Maryland Rail Commuter (MARC) service provides commuter trains between Baltimore, Washington, D.C., Perryville, MD and Martinsburg, West VA. Call 1-800-325-7245 for MARC schedule and fare information.

Lodging

There are several hotels available downtown within a short distance of The Baltimore Convention Center, which you may locate online or through a travel agent. You should ask the hotel if it offers special exam rates and amenities or complimentary shuttle service to the exam site. The Board does not endorse or recommend any hotel over another.

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Lunch on Exam Day

There are numerous restaurants (fast food and sit down) within walking distance of the Baltimore Convention Center. You may bring a lunch in a clear plastic bag, but you will be required to leave the exam room between exam sessions. There are no facilities to refrigerate or heat food at the Baltimore Convention Center.

INCLEMENT WEATHER POLICY
General Bar Examination

The State Board of Law Examiners will administer the General Bar Examination **as scheduled** on February 25 and 26, 2014, notwithstanding the existence of inclement weather. In the event of inclement weather, candidates, should report to their assigned examination sites as scheduled. **You should assume that the Maryland Bar Examination will be administered as scheduled and on-time unless there is an announcement that specifically states that the Maryland Bar Examination has been postponed or delayed.**

Candidates may wish to consider arranging overnight accommodations within walking distance of their examination site. The examination will start on time regardless of driving conditions or traffic congestion.

The Maryland Bar Examination will not be postponed unless weather conditions are so extreme that the operation of the examination facility is disrupted by the weather. Note that the State Board of Law Examiners will make a decision independent of state and local governments, the courts, counties, and other agencies which may make weather announcements.

In the extremely unlikely event that the Board determines that the examination must be postponed, announcement of the decision will be made on the following radio stations: WBAL (1090 AM) in Baltimore and WTOP (1500 AM/107.7 FM) in Washington, D.C. The decision also will be posted on the Board's link on the Judiciary's webpage: www.mdcourts.gov.

In the unlikely event that the examination is postponed, candidates will be notified by email of the new date for the examination.